

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40075 of 2021

Arising Out of PS. Case No.-827 Year-2020 Thana- SAHARSA SADAR District- Saharsa

ANKIT MISHRA Son of Shri Prabhat Mishra @ Prabhat Kumar @ Shambhu Mishra Resident of Mohalla- Tiwari Tola, Nagarparishad, Ward No. 33, P.S. and District- Saharsa (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 827/ 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of the IPC and 27 of the Arms Act.

The gist of the prosecution case is that informant's son was shot by co-accused Ashish Kumar Mishra and after that the petitioner along with other accused, who were armed with weapon and knife, gave several times knife blow on the



informant's son who died in the said occurrence

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that there is general and omnibus allegation against the petitioner. He further submits that specific allegation of firing upon the deceased is against co-accused Ashish Kumar Mishra. He further submits that during investigation nothing has come against the petitioner and the police after investigation submitted charge sheet against the petitioner and other accused person and the petitioner is in custody since 10.11.2020.

The learned Additional Public Prosecutor has fairly submitted that there is general and omnibus allegation against the petitioner and there is direct allegation of firing against co-accused Ashish Kumar Mishra.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 827/ 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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